

grossed Bills, have had Senate Bills Nos. 10, 12, and 15 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,

Austin, Texas, June 17, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 2 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

#### FOURTEENTH DAY

(Tuesday, June 22, 1937)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Woodul.

The roll was called and the following Senators were present:

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Roberts
Cotten	Small
Davis	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Westerfeld
Moore	Winfield
Neal	Woodruff
Nelson	

The following Senators were absent and excused:

Head	Shivers
Redditt	Weinert

A quorum was announced present.

The invocation was offered by Father Fred Drees.

Reading of the Journal of the proceedings of yesterday was dispensed with, on motion of Senator Aikin.

#### Leaves of Absence

Senator Head was granted leave

of absence for today and the remainder of the week on account of illness, on motion of Senator Collie.

Senators Weinert, Redditt, and Shivers were granted leaves of absence for today, on account of important business, on motion of Senator Burns.

#### Messages From the Governor

A Secretary of the Governor was announced by the Doorkeeper and was recognized by the President to present the following messages:

Austin, Texas, June 21, 1937.

To the Members of the Forty-fifth Legislature:

I submit for your immediate action the matter of making certain corrections in H. B. No. 5, Acts of the Forty-fifth Legislature, which corrections have been requested by Hon. Bert Ford, administrator for the Texas Liquor Control Board.

It is my understanding that these amendments have all been agreed upon and are simply corrective, with no intention or desire to in any way change any controversial point or the general policies of the original measure.

Respectfully submitted,

JAMES V. ALLRED,  
Governor of Texas.

Austin, Texas, June 22, 1937.

To the Members of the Forty-fifth Legislature (In First Called Session):

I hereby submit for your consideration a bill by Representatives Derden and Cagle to amend Article 305, Revised Civil Statutes of 1925.

Respectfully submitted,

JAMES V. ALLRED,  
Governor of Texas.

#### Senate Bills on First Reading

The following bills were introduced, read first time and referred by the President to the committees indicated:

By Senator Isbell:

S. B. No. 23, A bill to be entitled "An Act ratifying, confirming and validating all acts of county boards of trustees in laying out or attempt-

ing to establish, combine, abolish or change any independent or common school districts, and all elections held in any county in this State for the purpose of laying out, establishing, combining, abolishing or changing any such independent or common school districts; providing that contest may be filed within thirty (30) days after the effective date of this Act; providing this Act shall not affect districts which may be in litigation at this time, and declaring an emergency."

Referred to Committee on Educational Affairs.

By Senator Neal:

S. B. No. 24, A bill to be entitled "An Act to amend H. B. No. 557, Acts of the Regular Session, Forty-fifth Legislature, by striking out all of Sections 9, 9a, 9b and 9c, and substituting in lieu thereof a new Section to be Section 9; fixing the administration of H. B. No. 557, Acts of Regular Session Forty-fifth Legislature and H. B. No. 99, Acts of Regular Session Forty-fifth Legislature; amending H. B. No. 99, Acts of Regular Session Forty-fifth Legislature by repealing Section 26 of said bill; providing for the giving of a surety bond of Five Thousand (\$5000) Dollars, contingent upon faithful performance of all provisions of H. B. No. 99, Acts Regular Session Forty-fifth Legislature and H. B. No. 557, Acts Regular Session Forty-fifth Legislature, and the licensing of any person under both Acts on the payment of only one license fee; and declaring an emergency."

Referred to Committee on Agricultural Affairs.

By Senator Weinert:

S. B. No. 25, A bill to be entitled "An Act providing that no county having a population of not less than 28,700, nor more than 29,000, according to the last preceding, or future Federal Census, shall have a county auditor; abolishing the office of county auditor in any such county and declaring an emergency."

Referred to Committee on Counties and County Boundaries.

By Senator Winfield:

S. B. No. 26, A bill to be entitled "An Act providing that Galveston Street between First and Second Streets in the unincorporated town

site of Balmorhea, Reeves County, Texas, be closed so that a school building may be erected across said street and declaring an emergency."

Referred to Committee on Towns and City Corporations.

By Senator Woodruff:

S. B. No. 27, A bill to be entitled "An Act making an appropriation of the sum of One Hundred Thousand Dollars (\$100,000), or so much thereof as may be necessary, out of any funds in the State Treasury, not otherwise appropriated, to pay the contingent expenses, and to pay the mileage and per diem of members and the per diem of officers and employees of the First Called Session of the Forty-fifth Legislature, and to pay any unpaid accounts of the Regular Session of the Forty-fifth Legislature, and declaring an emergency."

Referred to Committee on Finance.

By Senator Davis:

S. B. No. 28, A bill to be entitled "An Act validating, ratifying, confirming and legalizing all time warrants heretofore authorized by the governing bodies of independent school districts in the State of Texas having a scholastic enumeration of not less than 769 and not more than 775 according to the last preceding scholastic enumeration, validating all proceedings heretofore had in connection with the issuance of such time warrants, including the levy of and provision for a tax for the payment of principal and interest on said time warrants as the same mature and authorizing such governing bodies of said independent school districts to do any and all things necessary and requisite in the issuance, sale and delivery of said time warrants; providing that such time warrants, when issued and delivered, shall constitute legal and binding obligations of such independent school districts; providing that this Act shall not apply to any proceedings or time warrants, the validity of which is being contested in any suit pending at the effective date of this Act, and declaring an emergency."

Referred to Committee on Educational Affairs.

By Senator Westerfeld:

S. B. No. 29, A bill to be entitled "An Act amending Chapter 141, Acts Fortieth Legislature, Regular Ses-

sion, and House Bill No. 321, Acts Regular Session, Forty-fifth Legislature, creating the office of the Veterans' State Service Office attached to the Adjutant General's Department; providing for the appointment of a Veterans' State Service Officer and certain Assistant Veterans' State Service Officers, and other necessary personnel; defining the qualifications, authority, and duties of such officers; fixing and authorizing payment of their salaries, travel, and other expenses; providing that the main office shall be located in Austin, Travis County, Texas; repealing all laws and parts of laws in conflict therewith; providing a saving clause, and declaring an emergency."

Referred to Committee on Military Affairs.

#### Messages From the House

A Clerk from the House was recognized to present the following messages:

Hall of the House of Representatives,  
Austin, Texas, June 22, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has granted the request of the Senate for the appointment of a conference committee to consider the differences between the two House on S. B. No. 2. The following are conferees on the part of the House:

Messrs. Reed of Bowie, Davison of Fisher, Broadfoot, James, Brown.

The House has granted the request of the Senate for the appointment of a conference committee on S. B. No. 10. The following are conferees on the part of the House:

Messrs. Graves, Cauthorn, Amos, Metcalfe, Jones of Wise.

The House has granted the request of the Senate for the appointment of a conference committee to consider the differences between the two Houses on S. B. No. 3. The following are conferees on the part of the House:

Messrs. Harrell, Harris of Dallas, Blankenship, Petsch, Bond.

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, June 22, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the following bills have been laid on the table by a viva voce vote:

H. B. No. 16, A bill to be entitled "An Act providing that the Supreme Court, or any Court of Civil Appeals, shall have power or authority, or jurisdiction to issue the writ of mandamus against a peace officer, or magistrate (except magistrates of appellate courts), as defined by the laws of this State, or against any county or district attorney, to compel the performance of any act, or duty, which such peace officer, magistrate or district or county attorney is required by law to perform, and declaring an emergency."

H. B. No. 17, A bill to be entitled "An Act providing for the injunction at the suit of either the State or any citizen thereof to stop or prohibit the use of any premises, place or building or part thereof for the purpose of gaming or keeping or exhibiting games or for use as bawdy or disorderly house or for carrying on bucket shops or for the business of pool selling or book making as prohibited by the Penal Code or any law of this State, declaring such places a nuisance and providing for cost, penalties and attorney's fees and prescribing procedure to be followed; providing for lien for cost and attorneys' fees, and repealing Article 4667 of the Revised Civil Statutes of Texas, 1925, and declaring an emergency."

The House has passed the following bill and resolutions:

S. C. R. No. 6, Correcting certain typographical errors in S. B. No. 139, enacted at the Regular Session of the Forty-fifth Legislature of Texas, 1937.

S. C. R. No. 7, Requesting the State Library Commission to house the Archives Division of the Texas State Library on or near the Capitol campus, rather than in buildings belonging to the University of Texas.

H. C. R. No. 26, Expressing the intent of the State Legislature in the passing of H. B. No. 8 at the Third Called Session of the Forty-fourth Legislature.

H. C. R. No. 3, Granting R. F. Davis of El Paso County permission to sue the University of Texas.

H. C. R. No. 6, Instructing the Board of Control to make arrangements to move into the Confederate Home whatever State Departments for which there is room.

H. C. R. No. 8, Granting H. J. Birdsong permission to bring suit against the State of Texas and the Highway Department of the State of Texas.

H. C. R. No. 19, Granting H. H. Friar permission to sue the State.

H. C. R. No. 20, Granting H. S. Wilde of Muenster, Cooke County, Texas, permission to sue the State of Texas.

H. B. No. 12, A bill to be entitled "An Act authorizing the Commissioner of Agriculture to dispose of all jacks and stallions now owned by the State of Texas which were purchased out of the special Jack and Stallion Fund and the Special Racing Fund as created under Chapter 10, Acts of the First Called Session, Forty-third Legislature, and further amended by Chapter 344, Acts of the Forty-fourth Legislature, Regular Session; etc., and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, June 22, 1937.

Hon. Walter F. Woodul, President of the Senate.

The point of order that the subject does not come within the Governor's call has been sustained by the Speaker on the following bills:

H. B. No. 19, A bill to be entitled "An Act to amend Article 619 of Chapter 6, Title 11, Penal Code of the State of Texas, as enacted in 1925, and declaring an emergency."

H. B. No. 21, A bill to be entitled "An Act to amend Article 543 of the Penal Code of this State by omitting all of said article after the words 'hedge contract,' and to add Article 543a defining a hedge contract; and to amend Article 545 of said code as to what shall constitute a prima facie case in prosecutions for the violation of law as to dealing in future; and to add Article 545a defining certain terms used herein; providing

certain taxes, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Reports of Standing Committees

By unanimous consent, reports on Senate Bills Nos. 25, 22, 24, 29, 27, 26, 28 were submitted at this time by the chairmen of the several committees to which they were referred. (See Appendix for reports in full.)

#### House Bill No. 12 on First Reading

H. B. No. 12, received from the House today, was laid before the Senate, read first time and referred to the Committee on Finance.

#### Statement of Senator Davis

Senator Davis submitted the following statement, and obtained unanimous consent of the Senate to have it printed in the Journal:

I have in my possession copy of a letter signed by Representative Bailey B. Ragsdale of date June 18, 1937, and I am reliably informed that several thousand copies of this letter have been mailed to people all over the State, and particularly, to those residing in the Twenty-fifth Senatorial District, which I have the honor to serve. The letter is reeking with misstatements and is clearly designed to injure me politically and personally. Incidentally, it is also designed to cast reflections upon the Senate as a whole.

The letter states that the Governor advised Mr. Ragdale and other members of the House that he would submit the subject to soil conservation legislation at the First Called Session of the Forty-fifth Legislature if he could be given enough assurance from both the House and Senate that they would pass it during the session. The letter further has the following to say:

"After working among the Senators I came to the definite conclusion last Tuesday that no conservation bill stands a chance of passage in the Senate at this time and Mr. Tarwater and Senator Head concurred in that opinion. This condition is due largely to Senator E. M. Davis' attitude. He stated that he will fight any attempt made for one until we get a new Governor. There are eight or ten Senators that as-

sured us they would follow Senator Davis on this or any other bill in whatever course of action he chose to pursue.

"I can assure you of this, that except for Senator Davis and his followers we could get a soil conservation bill at this session.

"It is up to us and all those interested in a soil conservation bill that will make the Federal Soil Conservation Service available to Texas, to get out in the next three months and exert every effort to press this matter on the attention of the farmers, let them know what we are trying to do for them and get their support in our efforts to pass a bill at the next Called Session."

In the first place, I never did tell Mr. Ragsdale that I would fight any attempt to pass a soil conservation bill until we could get a new Governor. I did tell him and Mr. Fuchs that I would not sign a petition asking the Governor to submit the question at the present special session unless the Governor convinced me that he was soil conservation minded and that I did not believe he would ever get a bill passed until our present Governor or a new Governor was soil conservation minded. In the conversation above referred to with Mr. Ragsdale and Mr. Fuchs, Mr. Ragsdale presented me a bill which in my judgment has for its sole purpose crop control and a regimentation of agriculture in Texas. I advised the two gentlemen that it was all right with me for them to procure the submission of the bill by the Governor, but that I could not consistently vote for any so-called soil conservation bill which did not use the county as a unit and which did not provide some sort of financing and which had for its primary purpose arbitrary crop and land control, and that I did not believe a majority of the Senate of Texas would support such a measure.

I have fought consistently through the years for measures to conserve the soils of our State and my fight has been an unselfish one, unconnected with the Trinity River project or any other local or partisan project, and it is manifestly unjust to send out malicious and slanderous letters over this State and to my constituents, branding me as the arch enemy of soil conservation because I cannot subscribe to land and crop control

and am not in favor of spending millions of dollars in forming new political subdivisions for this State, independent of the counties and other political subdivisions already organized.

I have always been reluctant to answer petty charges and accusations but the above mentioned letter is so unjust, unethical and unfair that I feel justified in making this reply, and then forget about it. In my judgment the motive behind the letter is sinister, but I do not charge it to the young representative because I think he has been made the victim and scape-goat of the real authors of the letter.

(Signed) E. M. DAVIS.

#### Senate Resolution No. 9

Senator Small offered the following resolution:

Whereas, Senator Davis has devoted a great deal of his time during the Regular Session of the Forty-fifth Legislature in a sincere effort to write a soil conservation bill and has, by his untiring efforts, made a substantial contribution to this worthy cause; and

Whereas, Certain unfortunate and incorrect statements have been circulated concerning the attitude of Senator Davis as to the advisability of attempting to pass a new bill on soil conservation at this Special Session; and

Whereas, Senator Davis has carefully explained his attitude on soil conservation and has given a detailed statement concerning the circumstances surrounding the incident that gave rise to the statement that has been circulated; therefore, be it

Resolved, That by the adoption of this resolution the Senate give Senator Davis a full vote of confidence and an expression of the gratitude of this body for the fine effort exerted by him in his effort to pass a real constructive bill.

(Signed) Small, Cotten, Woodruff, Holbrook, Newton, Moore, Van Zandt, Winfield, Spears, Westerfeld, Neal, Lemens, Stone, Sulak, Isbell, Pace, Brownlee, Rawlings, Nelson, Roberts, Collie, Hill.

The resolution was read, and by unanimous consent, it was considered at this time and was adopted.

#### Resolutions Signed

The President signed in the pres-

ence of the Senate, after giving due notice thereof, the following enrolled resolutions:

H. C. R. No. 13, Authorizing the appointment of a delegate from the State of Texas to attend the three hundredth anniversary of Swedish colonization in the State of Delaware.

H. C. R. No. 17, Providing for the printing of the Insurance Laws of Texas.

H. C. R. No. 23, Petitioning the Congress of the United States to pass Senate Bill No. 602, an Act for the relief of several citizens of Texas who are officers in the United States Army.

H. C. R. No. 24, Authorizing the Highway Department to lend certain road equipment to Parker County.

H. C. R. No. 25, Authorizing the Enrolling Clerk of the Senate to correct S. C. R. No. 2.

H. C. R. No. 22, Requesting the Honorable Governor James V. Allred to submit a bill designed to correct errors in H. B. No. 5 of the Regular Session of the Forty-fifth Legislature, a measure that amended the Texas Liquor Control Act.

#### **Senate Bill No. 13 on Second Reading**

On motion of Senator Westerfeld and by unanimous consent, Senate Rule No. 31a was suspended, to permit consideration at this time of S. B. No. 13.

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 13, A bill to be entitled "An Act providing that in certain counties, convicts, either laying their fines out in jail or working such fines out on the county farm or on the county roads or other public works, shall receive a credit therefor of One (\$1.00) Dollar per day for each day worked or spent in jail; and declaring an emergency."

The bill was read second time.

On motion of Senator Pace, the bill was tabled subject to call.

#### **Senate Bill No. 14 on Second Reading**

The President laid before the Senate:

S. B. No. 14, A bill to be entitled "An Act to provide that where cities

with a population of not less than 245,000 nor more than 275,000, according to the last preceding Federal Census, have issued and sold bonds and there remains on hand in the treasury of such city an unexpended balance of bond funds after the completion of the work and improvements for which such bonds were voted, that such bond funds may be used for the purpose of acquiring a site or sites for the constructing and establishing a sewerage disposal plant or system of sanitary sewers and providing that notice of the intention to so use such unexpended balance of bond funds shall be given to the public and providing for a referendum upon the filing of a petition of not less than ten (10%) per cent of the qualified taxpaying voters of such city, asking for the submission of the proposition to so use such balance of bond funds to a vote and providing that this Act shall not apply to any bonds or bond funds voted after the effective date of this Act, and declaring an emergency."

On motion of Senator Westerfeld and by unanimous consent, Senate Rule No. 31a was suspended to permit consideration of the bill at this time.

The bill was read second time and was passed to engrossment.

#### **Senate Bill No. 14 on Third Reading**

Senator Westerfeld moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 14 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### **Yeas—27**

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Roberts
Cotten	Small
Davis	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Westerfeld
Moore	Winfield
Neal	Woodruff
Nelson	

**Absent—Excused**

Head	Shivers
Redditt	Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—27**

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Roberts
Cotten	Small
Davis	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Westerfeld
Moore	Winfield
Neal	Woodruff
Nelson	

**Absent—Excused**

Head	Shivers
Redditt	Weinert

**Senate Bill No. 22 on Second Reading**

The President laid before the Senate:

S. B. No. 22, A bill to be entitled "An Act providing for the validation of the organization of and establishment of water improvement districts situated within a water power control district organized under Section 29 of Chapter 76, Acts of the Forty-third Legislature, and of Chapter 19, page 54, Acts of 1933, First Called Session of the Forty-third Legislature; providing for the validation of bonds, authorized to be issued by such districts which have been authorized by two-thirds majority of those voting at such elections; providing for the validation of such bonds by suit as now provided by law if the districts so elect or by forwarding to the Attorney General a certified copy of the proceedings providing for the issuance of such bonds, the examination thereof by the Attorney General and the issuance of his official certificate that such bonds are valid and binding obligations of said districts if he shall so find, and that such official certificate shall authorize the registration of said bonds by the Comptroller of Public Ac-

counts in the same manner as if same had been validated by suit; provided, however, that nothing contained in this Act shall affect any pending litigation; and declaring an emergency."

On motion of Senator Winfield and by unanimous consent, Senate Rule No. 31a and Senate Rule No. 48 were suspended severally, to permit consideration of the bill at this time.

The bill was read second time and was passed to engrossment.

**Senate Bill No. 22 on Third Reading**

Senator Winfield moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 22 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—27**

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Roberts
Cotten	Small
Davis	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Westerfeld
Moore	Winfield
Neal	Woodruff
Nelson	

**Absent—Excused**

Head	Shivers
Redditt	Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—27**

Aikin	Moore
Beck	Neal
Brownlee	Nelson
Burns	Newton
Collie	Oneal
Cotten	Pace
Davis	Rawlings
Hill	Roberts
Holbrook	Small
Isbell	Spears
Lemens	Stone

Sulak	Winfield
Van Zandt	Woodruff
Westerfeld	

Absent—Excused

Head	Shivers
Redditt	Weinert

**Senate Bill No. 25 on Second Reading**

Senator Moore moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 25 be placed on its second reading and passage to engrossment.

The motion prevailed by the following vote:

Yeas—27

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Roberts
Cotten	Small
Davis	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Westerfeld
Moore	Winfield
Neal	Woodruff
Nelson	

Absent—Excused

Head	Shivers
Redditt	Weinert

The President then laid S. B. No. 25 before the Senate.

On motion of Senator Moore and by unanimous consent, Senate Rules Nos. 31a and 48 were suspended severally, to permit consideration of the bill at this time.

The bill was read second time and was passed to engrossment.

**Senate Bill No. 25 on Third Reading**

Senator Moore moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 25 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Brownlee
Beck	Burns

Collie	Pace
Cotten	Rawlings
Davis	Roberts
Hill	Small
Holbrook	Spears
Isbell	Stone
Lemens	Sulak
Moore	Van Zandt
Neal	Westerfeld
Nelson	Winfield
Newton	Woodruff
Oneal	

Absent—Excused

Head	Shivers
Redditt	Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Roberts
Cotten	Small
Davis	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Westerfeld
Moore	Winfield
Neal	Woodruff
Nelson	

Absent—Excused

Head	Shivers
Redditt	Weinert

**House Concurrent Resolution No. 3**

The President laid before the Senate the following resolution, received from the House today:

H. C. R. No. 3, Authorizing R. F. Davis to sue the University of Texas. The resolution was read.

On motion of Senator Winfield and by unanimous consent, the rule requiring concurrent resolutions to be referred to a committee was suspended and the resolution was considered at this time.

The resolution was adopted.

**House Concurrent Resolution No. 6**

The President laid before the Sen-



ate the following resolution, received from the House today:

H. C. R. No. 6, Relating to use of buildings at Confederate Home.

The resolution was read.

Senators Moore and Spears raised a point of order on consideration of the resolution, on the ground that it seeks to amend by resolution the provisions of a general law.

The President sustained the point of order.

#### House Concurrent Resolution No. 8

The President laid before the Senate the following resolution, received from the House today:

H. C. R. No. 8, Authorizing H. J. Birdsong to sue the State.

On motion of Senator Aikin and by unanimous consent, the rule requiring concurrent resolutions to be referred to a committee was suspended and the resolution considered at this time.

The resolution was adopted.

#### House Concurrent Resolution No. 19

The President laid before the Senate the following resolution, received from the House today:

H. C. R. No. 19, Authorizing H. H. Friar to sue the State.

On motion of Senator Newton and by unanimous consent, the Senate rule requiring concurrent resolutions to be referred to a committee was suspended and the resolution was considered at this time and was adopted.

#### House Concurrent Resolution No. 20

The President laid before the Senate the following resolution, received from the House today:

H. C. R. No. 20, Authorizing H. S. Wilde to sue the State.

On motion of Senator Van Zandt and by unanimous consent, the rule requiring concurrent resolutions to be referred to a committee was suspended and the resolution was considered at this time and was adopted.

#### Senate Resolution No. 10

By unanimous consent, Senator Collie, at this time, offered the following resolution:

Whereas, One of our distinguished

colleagues, Senator J. Manley Head, underwent a major surgical operation this morning; and

Whereas, Reports received indicate that he is resting well; therefore, be it

Resolved by the Senate of Texas, That we extend to Senator Head the best wishes of its membership for a speedy recovery; and be it further

Resolved, That a bouquet of flowers be sent to him and that the expenses be paid from the Contingent Fund of the Forty-fifth Legislature.

(Signed) Roberts, Moore, Collie, Aikin, Beck, Brownlee, Burns, Cotten, Davis, Hill, Holbrook, Isbell, Lemens, Neal, Nelson, Newton, Oneal, Pace, Rawlings, Redditt, Shivers, Small, Spears, Stone, Sulak, Van Zandt, Weinert, Westerfeld, Winfield, Woodruff and Woodul, Lieutenant-Governor.

The resolution was read.

On motion of Senator Moore, the names of all Senators and the Lieutenant Governor were added to the resolution as signers thereof.

The resolution was adopted unanimously.

#### Senate Bill No. 27 on Second Reading

Senator Woodruff moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 27 be placed on its second reading and passage to engrossment.

The motion prevailed by the following vote:

Yeas—27

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Roberts
Cotten	Small
Davis	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Westerfeld
Moore	Winfield
Neal	Woodruff
Nelson	

Absent—Excused

Head	Shivers
Redditt	Weinert

The President then laid S. B. No. 27 before the Senate.

On motion of Senator Woodruff and by unanimous consent, Senate Rule No. 31a and Senate Rule No. 48 were suspended severally, to permit consideration of the bill at this time.

The bill was read second time and was passed to engrossment.

#### Senate Bill No. 27 on Third Reading

Senator Woodruff moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 27 be placed on its third reading and final passage.

The motion prevailed by the following vote:

##### Yeas—27

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Roberts
Cotten	Small
Davis	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Westerfeld
Moore	Winfield
Neal	Woodruff
Nelson	

##### Absent—Excused

Head	Shivers
Redditt	Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

##### Yeas—27

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Roberts
Cotten	Small
Davis	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Westerfeld
Moore	Winfield
Neal	Woodruff
Nelson	

##### Absent—Excused

Head	Shivers
Redditt	Weinert

#### Senate Bill No. 13 on Passage to Engrossment

Senator Westerfeld called up S. B. No. 13 from the President's table for further consideration at this time; the bill having been read second time and tabled subject to call.

The President laid the bill before the Senate on its passage to engrossment.

Senator Pace offered the following amendment to the bill:

Amend S. B. No. 13 by adding the following after the word "Census," in line 5 of Section 1:

"And in all counties in the State of population not less than 24,180 nor more than 24,188, according to the last preceding Federal Census."

The amendment was adopted.

Senator Sulak offered the following amendment to the bill:

Amend S. B. No. 13 by adding, following the Pace amendment, the following:

"In all counties containing a population of not less than 30,707 nor more than 30,709," and add further: "in counties containing a population of not less than 27,549 nor more than 27,551," and further: "in counties containing not less than 19,128 nor more than 19,130," and add: "In counties containing a population of not less than 18,857 nor more than 18,661," and add: "In counties containing a population not less than 10,013 nor more than 10,015."

The amendment was adopted.

On motion of Senator Westerfeld, it was ordered that the caption be amended to conform to the body of the bill as amended.

The bill was passed to engrossment.

Senator Sulak moved to reconsider the vote by which the bill was passed to engrossment.

The motion prevailed.

Senator Sulak moved to reconsider the vote by which the amend-

ment which he offered to the bill was adopted.

The motion prevailed.

Senator Sulak, by unanimous consent, then withdrew the amendment.

The bill again was passed to engrossment.

#### Senate Bill No. 13 on Third Reading

Senator Westerfeld moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 13 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—27

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Roberts
Cotten	Small
Davis	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Westerfeld
Moore	Winfield
Neal	Woodruff
Nelson	

#### Absent—Excused

Head	Shivers
Redditt	Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—27

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Roberts
Cotten	Small
Davis	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Westerfeld
Moore	Winfield
Neal	Woodruff
Nelson	

#### Absent—Excused

Head	Shivers
Redditt	Weinert

#### House Concurrent Resolution No. 26

The President laid before the Senate the following resolution, received from the House today:

H. C. R. No. 26, Relating to insurance policies held by applicants for old age assistance.

The resolution was read.

Senator Aikin moved that the Senate rule requiring concurrent resolutions to be referred to a committee be suspended and that the resolution be considered at this time.

The motion prevailed by the following vote:

#### Yeas—20

Aikin	Lemens
Beck	Newton
Brownlee	Oneal
Burns	Roberts
Collie	Spears
Cotten	Sulak
Davis	Van Zandt
Hill	Westerfeld
Holbrook	Winfield
Isbell	Woodruff

#### Nays—6

Moore	Rawlings
Neal	Small
Pace	Stone

#### Absent

Nelson

#### Absent—Excused

Head	Shivers
Redditt	Weinert

Question—Shall the resolution be adopted?

#### Adjournment

Senator Oneal moved that the Senate recess to 2:00 o'clock p. m. today.

Senator Moore moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

The motion to adjourn prevailed; and the Senate, accordingly, at 12:15 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

## Record of Vote

Senator Oneal asked to be recorded as voting "nay" on the motion to adjourn.

## APPENDIX

## Reports of Standing Committees

Committee Room,

Austin, Texas, June 22, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

S. B. No. 25, A bill to be entitled "An Act providing that no county having a population of not less than 28,700 nor more than 29,000, according to the last preceding, or future Federal Census, shall have a county auditor; abolishing the office of county auditor in any such county, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

SPEARS, Chairman.

Committee Room,

Austin, Texas, June 22, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 22, A bill to be entitled "An Act providing for the validation of the organization and establishment of water improvement districts situated within a water power control district organized under Section 29 of Chapter 76, Acts of the Forty-third Legislature, and of Chapter 19, page 54, Acts of 1933, First Called Session of the Forty-third Legislature; providing for the validation of bonds authorized to be issued by such districts which have been authorized by two-thirds majority of those voting at such elections; providing for the validation of such bonds by suit as now provided by law if the districts so elect or by forwarding to the Attorney General a certified copy of the proceedings providing for the issuance of such bonds, the examination

thereof by the Attorney General and the issuance of his official certificate that such bonds are valid and binding obligations of said district if he shall so find, and that such official certificate shall authorize the registration of said bonds by the Comptroller of Public Accounts in the same manner as if same had been validated by suit; provided, however, that nothing contained in this Act shall affect any pending litigation.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HILL, Chairman.

Committee Room,

Austin, Texas, June 22, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Agricultural Affairs, to whom was referred

S. B. No. 24, A bill to be entitled "An Act to amend H. B. No. 557, Acts of the Regular Session, Forty-fifth Legislature, by striking out all of Sections 9, 9a, 9b, and 9c, and substituting in lieu thereof a new section to be Section 9; fixing the administration of H. B. No. 557, Acts of the Regular Session, Forty-fifth Legislature, and H. B. No. 99, Acts of the Regular Session, Forty-fifth Legislature by repealing Section 26 of said bill; providing for the giving of a surety bond of Five Thousand (\$5000) dollars, contingent upon faithful performance of all provisions of H. B. No. 99, Acts Regular Session, Forty-fifth Legislature, and the licensing of any person under both Acts on the payment of only one license fee; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

DAVIS, Chairman.

Committee Room,

Austin, Texas, June 22, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Military Affairs, to whom was referred

S. B. No. 29, A bill to be entitled "An Act amending Chapter 141, Acts Fortieth Legislature, Regular

Session, as amended by Chapter 246, Acts Forty-second Legislature, Regular Session, and H. B. No. 321, Acts Regular Session, Forty-fifth Legislature, creating the office of Veterans' State Service Office attached to the Adjutant General's Department; providing for the appointment of a Veterans' State Service Officer and certain Assistant Veterans' State Service Officers, and other necessary personnel; defining the qualifications, authority, and duties of such officers; fixing and authorizing payment of their salaries, travel, and other expenses; providing that the main office shall be located in Austin, Travis County, Texas; repealing all laws and parts of laws in conflict therewith; providing a saving clause, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

LEMENS, Chairman.

Committee Room,

Austin, Texas, June 22, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 27, A bill to be entitled "An Act making an appropriation of the sum of One Hundred Thousand Dollars (\$100,000.00), or so much thereof as may be necessary, out of any funds in the State Treasury, not otherwise appropriated, to pay the contingent expenses, and to pay the mileage and per diem of members and the per diem of officers and employees of the First Called Session of the Forty-fifth Legislature, and to pay any unpaid accounts of the Regular Session of the Forty-fifth Legislature, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODRUFF, Vice-Chairman.

Committee Room,

Austin, Texas, June 22, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Towns and City Corporations to whom was referred

S. B. No. 26, A bill to be entitled "An Act providing that Galveston Street between First and Second Streets in the unincorporated town site of Balmorhea, Reeves County, Texas, be closed so that a school building may be erected across said street."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

VAN ZANDT, Chairman.

Committee Room,

Austin, Texas, June 22, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred S. B. No. 28,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

COTTEN, Chairman.

Committee Room,

Austin, Texas, June 21, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 21 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,

Austin, Texas, June 21, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 17 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,

Austin, Texas, June 21, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 19 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,

Austin, Texas, June 21, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 11 carefully examined and compared and find same correctly engrossed.  
ROBERTS, Chairman.

Committee Room,  
Austin, Texas, June 21, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 20 carefully examined and compared and find same correctly engrossed.  
ROBERTS, Chairman.

Committee Room,  
Austin, Texas, June 21, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 18 carefully examined and compared and find same correctly engrossed.  
ROBERTS, Chairman.

Committee Room,  
Austin, Texas, June 21, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 14 carefully examined and compared and find same correctly engrossed.  
ROBERTS, Chairman.

Committee Room,  
Austin, Texas, June 21, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 22 carefully examined and compared and find same correctly engrossed.  
ROBERTS, Chairman.

Committee Room,  
Austin, Texas, June 21, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 25 carefully examined and compared and find same correctly engrossed.  
ROBERTS, Chairman.

Committee Room,  
Austin, Texas, June 22, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 27 carefully examined and compared and find same correctly engrossed.  
ROBERTS, Chairman.

## FIFTEENTH DAY

(Wednesday, June 23, 1937)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Roberts
Cotten	Shivers
Davis	Small
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Westerfeld
Moore	Winfield
Neal	Woodruff

The following Senators were absent and excused:

Head	Spears
Nelson	Weinert
Redditt	

A quorum was announced present.

The invocation was offered by the Chaplain.

Reading of the Journal of the proceedings of yesterday was dispensed with, on motion of Senator Roberts.

## Leaves of Absence

Senators Weinert, Redditt and Spears were granted leaves of absence for today, on account of important business, on motion of Senator Burns.

Senator Nelson was granted leave of absence for today, on account of important business, on motion of Senator Oneal.

Senator Head was granted leave of absence for today and the remainder of the week, on account of illness, on motion of Senator Burns.

## Report of Standing Committee

The report of the Committee on Finance on H. B. No. 12 was submitted by the vice-chairman of the committee.